Meeting of States Parties

Distr.: General
29 November 2007

Original: English

Special Meeting
New York, 30 January 2008

Election of a member of the International Tribunal for the Law of the Sea

Note by the Registrar of the International Tribunal for the Law of the Sea on the election procedures

I. Election of a member of the Tribunal

1. Article 6, paragraph 1, of the Statute of the Tribunal provides that vacancies in the membership of the Tribunal shall be filled by the same method as that laid down for the first election, subject to the provision that the Registrar of the Tribunal shall, within one month of the occurrence of the vacancy, proceed to issue the invitations provided for in article 4 of the Statute, and the date of the election shall be fixed by the President of the Tribunal after consultation with the States Parties. Article 6, paragraph 2, of the Statute further provides that a member of the Tribunal elected to replace a member whose term of office has not expired shall hold office for the remainder of the predecessor's term.

2. With the resignation of Judge Guangjian Xu (China) on 15 August 2007, a vacancy has occurred in the Tribunal for the remainder of his term of nine years, which would have ended on 30 September 2011. Pursuant to article 6 of the Statute of the Tribunal, the election to fill the vacancy for the remainder of the term will be held on 30 January 2008.

3. One person was nominated; his name and curriculum vitae are being circulated to the States Parties in documents SPLOS/166 and SPLOS/167, respectively.

II. Procedure

4. Pursuant to article 4, paragraph 4, of the Statute, in the case of elections subsequent to the first election, the members of the Tribunal shall be elected by secret ballot at a meeting of the States Parties convened by a procedure agreed to by the States Parties. Two thirds of the States Parties shall constitute a quorum at that meeting. Article 4, paragraph 4, of the Statute further stipulates that the persons elected to the Tribunal shall be those nominees who obtain the largest number of

votes and a two-thirds majority of the States Parties present and voting, provided that such majority includes a majority of the States Parties.

5. The procedure for the first election determined by the Meeting of States Parties at its fifth meeting (see SPLOS/14, para. 15) is set out in document SPLOS/L.3/Rev.1 of 31 July 1996. In adopting the procedure contained therein, the Meeting decided, inter alia, that the 21 members of the Tribunal shall be elected as follows:

(a) Five judges from the African Group;

(b) Five judges from the Asian Group;

(c) Four judges from the Latin American and Caribbean Group;

(d) Four judges from the Western European and Other States Group;

(e) Three judges from the Eastern European Group.

6. The fifth Meeting of States Parties decided that the arrangements would be applicable to the first election and would not prejudice the arrangements for any other election (see SPLOS/L.3/Rev.1, para. 12).

7. Articles 2 and 3 of the Statute provide as follows:

"*Article 2*
"*Composition*

"1. The Tribunal shall be composed of a body of 21 independent members, elected from among persons enjoying the highest reputation for fairness and integrity and of recognized competence in the field of the law of the sea.

"2. In the Tribunal as a whole the representation of the principal legal systems of the world and equitable geographical distribution shall be assured.

"*Article 3*
"*Membership*

"1. No two members of the Tribunal may be nationals of the same State. A person who for the purposes of membership in the Tribunal could be regarded as a national of more than one State shall be deemed to be a national of the one in which he ordinarily exercises civil and political rights.

"2. There shall be no fewer than three members from each geographical group as established by the General Assembly of the United Nations."

United Nations Convention on the Law of the Sea SPLOS/166

Meeting of States Parties

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Election of a member of the International Tribunal for the Law of the Sea

List of candidates nominated by States parties

Note by the Registrar of the International Tribunal for the Law of the Sea

1. Owing to the resignation of Judge Guangjian Xu on 15 August 2007, a vacancy has occurred in the Tribunal.

2. In accordance with the provisions of articles 4 and 6 of the Statute of the Tribunal, the Registrar, in a note verbale dated 23 August 2007, invited the Governments of the States parties to communicate to him between 15 September 2007 and 14 November 2007 the names of the candidates they might wish to nominate for membership of the Tribunal.

3. By a note verbale dated 25 September 2007, the Registrar informed the States parties that, pursuant to article 6 of the Statute of the Tribunal, the President of the Tribunal, after consultation with the President of the Meeting of States Parties, proposed to have the election held on 30 January 2008. In the same note, the Registrar invited the States parties to communicate their comments in that regard, if any, by 12 October 2007. Two States parties communicated comments concerning the date of the election.

4. By a note verbale dated 5 November 2007, the Registrar informed the States parties that the President of the Tribunal, after consultation with the President of the Meeting of States Parties, had considered it advisable to further seek the views of the States parties in order to reach a decision as to the date of the election to fill the current vacancy. In the same note, the Registrar invited States parties to communicate further comments in that regard, if any, by 21 November 2007. Comments concerning the date of election were communicated by seven States parties, six of which stated that they had no objection to holding the election on 30 January 2008. Of those six States parties, four stated that acceptance of the proposal was on the understanding that no other items would be placed on the agenda for discussion during the Special Meeting. One State party was of the

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opinion that it would be preferable to hold the election during the next Meeting of States Parties in June 2008.

5. By a note verbale dated 22 November 2007, the Registrar informed the States parties that the President of the Tribunal, in accordance with article 6, paragraph 1, of the Statute, had decided that the election to fill the vacancy created by the resignation of Judge Xu for the remainder of the term for which he had been elected (ending on 30 September 2011) would take place on 30 January 2008.

6. Article 4, paragraph 2, of the Statute provides that the Registrar shall prepare a list in alphabetical order of all the persons nominated by the States parties, with an indication of the States parties which have nominated them. The list is contained in the annex to the present note.

7. The curriculum vitae of the candidate will be circulated in document SPLOS/167.

Annex

List of candidates for the election of a member of the International Tribunal for the Law of the Sea

Name and nationality	*Nominated by*
Gao, Zhiguo (China)	China

United Nations Convention on the Law of the Sea SPLOS/167

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Election of a member of the International Tribunal for the Law of the Sea

Curriculum vitae of a candidate nominated by the Government of China

Gao, Zhiguo
(China)

Personal details

Nationality:	Chinese
Birth date:	7 July 1955
Marital status:	Married with one child
Telephone:	(86-10) 6802-2137 (Work) (86-10) 6328-2538 (Home)
Facsimile:	(86-10) 6803-0767 (Work) (86-10) 6328-2538 (Home)
E-Mail:	zgao@cima.gov.cn zgao@public.bta.net.cn
Office address:	China Institute for Marine Affairs State Oceanic Administration #1 Fuxingmenwai Ave., Beijing 100860
Home address:	#2-2-503 Residence Building of People's Bank Qixiancun, Haidian Qu, Beijing 100044

Education

Postgraduate:	Post-Doctorate in Law, East-West Centre, United States of America, 1994. J.S.D. (Doctor in the Science of Law), Dalhousie University, Halifax, Canada, 1993.

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LL.M., University of Washington, Seattle, United States of America, 1986.

LL.M., China University of Political Science and Law, Beijing.

Undergraduate: B.A., Jilin University, Changcun, China, 1980.

Legal qualification

Bar admissions: The Chinese Bar Association

Legal training: Associate, Burchell MacDougall & Gruchy, Truro, Canada
May 1991 to March 1992 (part-time).

Practical training, Forster Pepper & Shefelman, Seattle, United States of America.
December 1985-May 1986 (part-time).

Work experience

March 2003 to December 2007	Deputy to the 10th National People's Congress (NPC) of China. Member of the Foreign Affairs Committee, NPC
March 1999 to present	Executive Director China Institute for Marine Affairs, State Oceanic Administration, #1 Fuxingmenwai Ave. Beijing 100860
October 1997 to February 1999	Deputy Director China Institute for Marine Affairs, State Oceanic Administration
September 1994 to September 1997	Lecturer in international/environmental/energy law, Centre for Energy, Petroleum and Mineral Law and Policy, Law School, University of Dundee, Dundee, United Kingdom, DD1 4HN
July 1993 to August 1994	Postdoctoral Research Fellow East-West Center, 1777 East-West Road, Honolulu, Hawaii 96848, United States of America
July 1988 to September 1989	Deputy Head Legal Office, State Oceanic Administration #1 Fuxingmenwai Ave. Beijing 100860
September 1987 to June 1988	Deputy Administrator China Institute for Marine Development Strategies #8 Dahuisi, Haidian Qu, Beijing 100081
August 1983 to May 1986	Senior Research Fellow Policy Division, State Oceanic Administration #1 Fuxingmenwai Ave. Beijing 100860

January 1980 to August 1980	Lecturer Shanxi University of Coal Science and Technology Jiefang Road, Taiyuan, Shanxi, China.

Other work experiences and skills

(Extensive work and other experiences with international agencies, Governments and natural resource industries, with the following as recent samples).

Regional legal expertise

Member of Asean Regional Forum Experts/Eminent Persons, nominated by the Chinese Government, 2001-present.

Resource person, "Workshop on Managing Potential Conflicts in the South China Sea", co-sponsored by Canadian International Development Agency and Indonesian Foreign Ministry, 1997-2001.

Senior Member of Maritime Working Group, Council on Security and Cooperation in Asia-Pacific, China, 1997-present.

Professorships

Honorary Lecturer, Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee, United Kingdom, 2000-present.

Adjunct Professor, China University of Oceanography, 2001-present.

Adjunct Professor, Centre on Eco-Environmental Sciences, Chinese Academy of Sciences, 2003-present.

Adjunct Professor, University of Xiamen, 2004-present.

Visiting Professor, Washington College of Law, American University, 1998.

Consultancies

Consultant to International Seabed Authority, United Nations under contract No. ISA/03/P0004, 2001 to provide the Authority with legal services on worldwide national legislation and petroleum/mineral contracts.

Consultant to Chinese offshore oil industry on legal issues of transnational investment, 1997-present.

Consultant to Director-General 17 European Community on the China Synergy Project: Energy Policy and Structure in the People's Republic of China, February to December 1998, responsible for policy, legal and environmental issues of the energy sector.

Consultant to the Government of Brazil and Petrobras on petroleum policy, law and contracts, July to December 1997, including two training seminars for Petrobras senior executives and managers.

Consultant on hydrocarbon regime to the Government of Kazakhstan under a United Kingdom know-how fund project, May 1997.

Consultant to the Government of Viet Nam, under Asian Development Bank TA2392-VIE on Hydrocarbon sector policy review, from May 1996 to August 1997. Author of sections on petroleum law, contracts, environment and safety of the review report.

Consultant to Supreme Council of Ukraine under Tacis project EUK001, December 1995 to June 1996. Reviewer of three reports on Ukraine electricity sector.

Consultant to Ministry of Petroleum, Angola, under a consultancy contract on assessment of draft law decree on environmental protection in petroleum activities, April 1996. Author of comments and review report.

Professional training

Director, Workshop on International Oil & Gas Transactions, co-sponsored by American University and University of Dundee, 13-17 July 1998, Washington, D.C.

Director, training programme on exclusive economic zone and coastal zone management, International Ocean Institute, September 1997, Guangzhou, China.

Director, professional training on petroleum contracts seminar (course code EP4/Kaz) for the Government of Kazakhstan through the British Know-How Fund, Almaty, Kazakhstan, 12-16 May 1997.

Director, petroleum negotiations seminar (course code 8226 EP4/KA) for the Government of Kazakhstan through the British Know-How Fund, Almaty, Kazakhstan, 18-22 September 1995.

Course director, "Oil, Gas and Mineral Resources Legislation and Agreements", IBT-22E, organized by International Development Law Institute, Rome, 1995.

Visiting speaker, training programme on marine resources management organized by International Ocean Institute, Halifax, July to September 1991-1993.

Other activities

Other experience includes research and work in Angola, Brazil, Canada, China, Indonesia, Kazakhstan, Malaysia, Nigeria, Romania, United Kingdom, United States, Viet Nam and Thailand (mainly in the areas of ocean law and policy, natural resources legislation, international environmental law, etc.).

Special expertise

Special knowledge and expertise in areas of public international law, international environmental law, natural resources law in general and international law of the sea and ocean law and policy of the developing countries of the Asia-Pacific region in particular.

International editorships

Member of Editorial Board, *Ocean Development and International Law* (Canada/United States) since 2001.

Member of Editorial Board, *Ocean Yearbook* (Canada) since 2000.

Member of Editorial Board, *Journal of Energy and Natural Resources Law* (United Kingdom) since 2000.

Member of Editorial Board, *Oil and Gas Law and Taxation Review* (United Kingdom) since 1999.

Member of Editorial Board, "International Energy and Resource Law and Policy Series" co-sponsored by the Centre for Energy, Petroleum and Mineral Law and Policy, University of Dundee and Kluwer Law International, 1994 to 2000.

Professional memberships

Executive Vice-President, Chinese Association of the Law of the Sea, 1999-present.

Council Member, Chinese Association of International Law, 2000-present.

Member of Academic Advisory Group, Section on Energy and Natural Resources Law, International Bar Association, 1996-present.

Awards and scholarships

National outstanding achievements and contribution awards by the Chinese Government, 2001.

National foreign policy research awards (on regional security) by the Chinese Government, 1999.

Jefferey Willowboughby Prize, 1997 (International Bar Association annual publication award).

World's leading energy and natural resource lawyers, *Euromoney*, 1997.

Post-doctoral fellowship, East-West Center, United States, 1994.

Izaak Walton Killam Memorial Scholarship, Canada, 1989-1993.

Publications

(Only recent samples of over 200 publications)

Books

Collection of International Maritime Boundary Delimitation Agreements and Treaties, ed. (Beijing: Law Publishing House, forthcoming in 2008).

International Legislation and Contracts on Offshore Petroleum Exploration and Development, ed. (Beijing: Law Publishing House, forthcoming in 2007).

Essays on Ocean Policy of China, co-author (Beijing: China Ocean Press, 2007), 1024 p.

Studies of the New Trends of International Law of the Sea, ed. (Beijing: China Ocean Press, 2007), 234 p.

Theory and Practice of International Law of the Sea, ed. (Beijing: China Ocean Press, 2006), 291 p.

Recent Developments of International Law of the Sea, ed. (Beijing: China Ocean Press, 2005), 245 p.

Essays on International Law of the Sea, ed. (Beijing: China Ocean Press, 2004), 294 p.

Environmental Regulation of Oil and Gas, ed. (London: Kluwer Law International Ltd., 1998), 615 p.

International Petroleum Contracts: Current Trends and New Directions (London: Graham & Trotman, 1994), 260 p.

Marine Policy in the Asia-Pacific Region, co-author (Beijing: China Ocean Press, 1990), 353 p.

A Commentary on the United Nations Convention on the Law of the Sea (Beijing: Ocean Press, 1985), 96 p.

Monographs

A Comparative Study of National Mining Legislation and Contracts, prepared for the International Seabed Authority, in ISBA/9/LTC/5, 14 May 2003, pp. 1-114.

Production Sharing Contracts (Dundee, United Kingdom: Centre for Petroleum and Mineral Law and Policy, 1996), 177 p.

International Petroleum Law (Dundee, United Kingdom: Centre for Petroleum and Mineral Law and Policy, 2nd ed., 1994), 420 p.

International Environmental Law (Dundee, United Kingdom: Centre for Petroleum and Mineral Law and Policy, 3rd ed., 1994), 625 p.

Articles

"South China Sea: Turning Suspicion into Mutual Understanding and Cooperation", in S. Swee Hock, ed., *Asean-China Relations: Realities and Prospects*, Singapore: Institute for Southeast Asian Studies, 2005, pp. 329-43.

"The Key Issues in the East China Sea: A Status Report and Recommended Approaches", in S. S. Harrison, ed., *Seabed Petroleum in Northeast Asia: Conflict or Cooperation?*, Washington, D.C. The Woodrow Wilson International Center for Scholars, 2005, pp. 32-39.

"The Regime of the High Seas and Military Activities at Sea During Peace and War Times", *Chinese Journal of Military Law*, vol. 76, Sept. 2005, pp. 53-55.

"The Regimes on the Exclusive Economic Zone, Continental Shelf and Straits Used for International Navigation", *Chinese Journal of Military Law*, vol. 75, July 2005, pp. 51-54.

"Public Participation in Mining and Petroleum in Asia and the Pacific: The OK Tedi Case and its Implications", Pring Rock & Don Zillman, ed., *Public Participation in Sustainable Development* (London: Oxford University Press, 2002), pp. 679-694.

"The Scope and Principles of Maritime Cooperation in Asia and Pacific", 16 *Ocean Yearbook* (Chicago: The University of Chicago Press, 2002), pp. 533-540.

"Naval Strategy and the Law of the Sea", 6 *Journal of Chinese Navy* (Beijing: 2001), pp. 11-13.

"Energy and Environmental Regulation in China", 36 (1) *Texas International Law Journal*, 38-42 (2001).

"The Kyoto Protocol and Its Implications on the Energy Industry: the Chinese Perspective", in P. Cameron and D. Zillman, ed., *The Kyoto Protocol and Its Implications on the Energy Industry* (London: Kluwer Law International, 2000).

"The Legal Concept and Aspects of Joint Development in International Law", 13 *Ocean Yearbook* (Chicago: The University of Chicago Press, 1998), pp. 107-124.

"A New Star Among State Oil Companies: China Star and its Implications for the Development of the Industry", 16 (4) *Oil and Gas Law and Taxation Review*, 131-39 (1998).

"World Petroleum Exploration Contracts and Brazil: An Overview of Recent Developments and Current Changes", 15 (3) *Oil and Gas Law and Taxation Review*, 79-87 (1997).

"Current Issues of International Law on Offshore Abandonment: With Special Reference to the United Kingdom", 28 (1) *Ocean Development and International Law*, 59-78 (1997).

"Maritime Claims and Disputed Islands in the South and East China Seas: Options and Approaches", invited chapter in *The Ocean: Our Future*, published by the Independent World Commission on the Oceans, 1997.

"Legal Aspect of Joint Development in International Law", in *Sustainable Development and Preservation of the Oceans: The Challenges of UNCLOS and Agenda 21*, ed. by M. Kusuma Atmadja, T. A. Mensah and B. H. Oxman (Honolulu: The Law of the Sea Institute, 1997).

"China's Petroleum Legal Regime for Foreign Participation in Upstream Operations: the Foreign Company's View", 14 *Journal of Energy & Natural Resources Law*, 161-178 (1996).

"Recent Trends and New Directions in International Petroleum Exploration and Exploitation Agreements", 17 *World Competition* 109-138 (1994).

"The South China Sea: From Conflict to Cooperation", 25 *Ocean Development and International Law*, 345-59 (1994).

"China and the Law of the Sea", 15 *Marine Policy*, 199-208 (1991).

Conference papers

"Environmental Issues Facing the South China Sea", paper presented at "Geo-Agenda for the Future: Securing the Oceans", hosted by the Institute for Ocean Policy, Ship and Ocean Foundation, Tokyo, 16-18 October 2003.

"The South China Sea: Between History and Reality", paper presented at the Conference on Human and Regional Security in the South China Sea, Oslo, 2-4 June 2000.

"Recent Developments in Marine Affairs and Policy in China", paper presented at the Second Regional Forum on Law and Policy in South East Asia, Kaoshiung, China, 9-12 May 2000.

"Scope and Principles of Maritime Cooperation in Asia and Pacific", paper presented at the 8th meeting of the Maritime Working Group, Council on Security and Cooperation for Asia and the Pacific, Woolonggon, Australia, 7-9 November 1999.

"Recent Joint Developments of Hydrocarbon and Living Resources in North-East Asia", paper presented at the 3rd meeting of the Technical Working Group on Legal Matters in the South China Sea, Pattaya, Indonesia, 12-16 October 1998.

"Joint Development: A Study of its Legal and Practical Effects", paper presented at the International Conference on Ocean Governance and System Compliance in the Asia-Pacific Context, Rayong, Thailand, 9-11 December 1997.

"Transnational Investment Contracts in the Petroleum and Mining Sectors: Recent Trends and New Themes", paper presented at the World Trade Development Conference, Centre of International Investment Law Library, Mount Royal Hotel, London, 12 March 1997.

"Offshore Hydrocarbon Resources and Regional Security: the Way in East Asia", presented at the 24th annual Conference on Pacem in Maribus: Oceans in the 21st Century, Beijing, 15-16 November 1996.

Book reviews

"Principles of International Environmental Law" (ed. Philippe Sands et al.), 15 (2) *Journal of Energy and Natural Resources Law*, 181-183 (1997).

"International Petroleum Contracts" (Ernest E. Smith, et al.), 13 (3) *Journal of Energy and Natural Resources Law*, 236-238 (1995).

Language and proficiency

English (working language).

French (slight reading).

Chinese (native language).